

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04CV424-MU-02

CHARLES WILLIAM JOHNSON,)
Petitioner,)
)
v.) ORDER
)
GEORGE KENWORTHY, Supt.,)
Respondent.)
_____)

THIS MATTER comes before the Court on petitioner's "Motion For Nunc Pro Tunc"[sic], filed March 21, 2005. For the reasons stated herein, such Motion will be denied.

The record of this matter reflects that the petitioner filed his Petition for a Writ of Habeas Corpus in federal Court on August 19, 2004, challenging his April 2003 convictions/sentence. On October 4, 2004, the respondent filed his Motion For Summary Judgment contending, inter alia, that the petitioner's Motion was time-barred pursuant to the one-year limitations period set forth in the Antiterrorism And Effective Death Penalty Act of 1996.

Upon the Court's review of those documents, it was determined that the petitioner's Petition, in fact, was time-barred. Accordingly, by Order filed January 18, 2005, the respondent's Motion for Summary Judgment was granted, and the petitioner's Petition was dismissed.

Thereafter, the petitioner filed the instant Motion by which he essentially is seeking reconsideration of the determination that his Petition was time-barred. Nevertheless, the Court has carefully considered the petitioner's assertions and concluded that he has failed to demonstrate that its earlier determination was erroneous. Accordingly, the instant de facto motion for reconsideration is denied.

SO ORDERED.

Signed: April 5, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

